



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JAG
F.#2008R01486

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 24, 2010

VIA ELECTRONIC FILING

The Honorable Raymond J. Dearie
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Philip Barry
Criminal Docket No. 09-833 (RJD)

Dear Judge Dearie:

The government respectfully writes in advance of tomorrow's pretrial conference to identify, for the Court's convenience, the primary issues outstanding. As the Court knows, jury selection is set to begin two weeks from tomorrow, on November 8, 2010. At the pretrial conference, the government will be prepared to report on the status of our 18 U.S.C. § 3500 production, our plans for the disclosure of trial exhibits, and other matters.

The following eight motions in limine have been fully briefed and are ripe for decision (date filed):

1. Government's motion to admit bankruptcy testimony (6/18/10)
2. Government's motion to admit proffer statements (6/18/10)
3. Government's motion to admit investor statements made to testifying victims (6/18/10)
4. Government's motion to preclude evidence or argument concerning any possible victim negligence (6/18/10)

5. Government's motion to preclude evidence of the defendant's self-serving or exculpatory statements (6/18/10)
6. Government's motion to preclude reference to possible consequences of conviction (6/18/10)
7. Defendant's motion to preclude victim impact testimony (7/7/10)
8. Defendant's motion to preclude documents pursuant to the work-product doctrine (10/8/10)

The defendant has also moved to exclude (1) evidence regarding the medical condition of investor Margaret Hartman and (2) letters sent to the defendant from his victims before his arrest that, in the defendant's view, contain inadmissible hearsay. These motions, however, need not be ruled upon tomorrow.

In addition to the matters cited above, the government filed earlier today a separate letter concerning proposed defense expert witness William Rieber.

Respectfully submitted,

LORETTA E. LYNCH
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cc: Defense Counsel (via ECF)